



July 31<sup>st</sup> 2020

**GILA COUNTY ATTORNEY**  
*Bradley D. Beauchamp*

Arizona State Senate  
Senate President, Karen Fann  
Capital Complex  
1700 W. Washington  
Phoenix, AZ 85007-2890

RE: Gila County Deferred Prosecution

Arizona Senate President Karen Fann:

Pursuant to Statute A.R.S. §11-362 I am sending this report regarding the Gila County Attorney's Office Deferred Prosecution Program.

**Deferred Prosecution**

The Gila County Attorney's Office Deferred Prosecution program allows low risk defendants who have been charged with crimes to enter into deferred prosecution agreements whereby they admit their guilt and agree to make amends for their crimes in exchange for having their criminal charges deferred for up to two years and sometimes longer if restitution is involved. If they can successfully comply with the terms of their agreement, their criminal charges are dismissed, and they avoid having to go through life having a felony conviction. If they are unable to show that they deserve this second chance and fail to comply with the terms of their agreements or if they commit new crimes, their deferred prosecutions are reinstated, and they must answer to their original criminal charges in court.

During the time of January 2019 through December 2019, the Gila County Deferred Prosecution Program had approximately forty-nine (49) individuals on the Deferred Prosecution Program, thirty-one (31) at the Payson Office in the northern part of the County and eighteen (18) in Globe, the southern half of the County. Twenty-four (24) individuals successfully completed the program during 2019 and thereby never became an expense to the Gila County probation department. Additionally, the Gila County Attorney's Office Deferred Prosecution Program collected and distributed to victims \$5,234.40 in restitution in 2019.

Out of the forty-nine (49) individuals in the Deferred Program in 2019, eleven (11), were new enrollees during the calendar year of 2019. Six (6) individuals entered the Program in Payson and five (5) entered the Program in the Globe area. A breakdown of the crimes involved is as follows:


| <u>Payson</u>                    |    | <u>Globe</u>                   |   |
|----------------------------------|----|--------------------------------|---|
| Drugs                            | 21 | Drugs                          | 7 |
| Trafficking Stolen Prop          | 1  | Theft                          | 3 |
| Theft                            | 2  | Criminal Damage                | 2 |
| Child Abuse                      | 1  | Criminal Trespass              | 2 |
| Use Wire/Electronic Drug Offense | 1  | Child Abuse                    | 1 |
| Misconduct w/ Weapon             | 1  | Hindering Prosecution          | 1 |
| Criminal Littering               | 1  | Aggravated Assault             | 1 |
| Take ID of Another/ Fraud        | 1  | Domestic Violence              | 1 |
| Forgery                          | 1  | Burglary                       | 2 |
| Use Weapon during Drug Offense   | 1  | Fraudulent Schemes             | 1 |
| Using Minor Drug Offense         | 1  | Trafficking Stolen Property    | 2 |
|                                  |    | Unlawful Use of Transportation | 1 |
|                                  |    | Fail to Return Rented Vehicle  | 1 |

Out of the forty-nine (49) defendants in the Deferred Program in the year 2019; eighteen (18) remain on the Program. Six (6) failed, twenty-four (24) completed successful and three (3) were rejected.

The Deferred Prosecution Program continues in Gila County to meet its primary objective of ensuring the accused remain accountable for their actions while allowing those with no criminal history, and thus a low probability of recidivism, to find the correct law-abiding path. Additionally, in all victim related offenses victims are ensured restitution and these offenders pose no additional expense to the overtaxed probation system.

If you have any question or concerns, please do not hesitate to contact me.

Sincerely,

  
Bradley D. Beauchamp  
Gila County Attorney